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IAB CASE NO. SH2230378

**OFFICER INVOLVED SHOOTING FORM AND INVESTIGATIVE SUMMARY**

**WITNESS INTERVIEWS**

Witness [redacted]
Witness [redacted]
Witness [redacted]
Deputy James Cullen
Witness [redacted]
Deputy Julio Jove
Witness [redacted]

**EXHIBITS**

**A** - Homicide Book

**B** - District Attorney Letter of Opinion

**C** - Three (3) photos used by Deputy Cullen to help illustrate his observations

**D** - Five (5) photos used by Deputy Jove to help illustrate his observations

**E** - Compact disc containing the Homicide interviews and radio traffic

**F** - Two (2) compact disc containing crime scene photos

**G** - One (1) compact disc containing the radio traffic from the dispatch and L-Tac frequencies prior to the shooting

**MISCELLANEOUS DOCUMENTS**

- Century Station daily in-service for PM shift on 10/17/08 and EM shift for 10/18/08
- Rights admonition for Deputies Jove and Cullen

# Los Angeles County Sheriff's Department

# Officer Involved Shooting



| Report Date: 10/17/08 | Bureau/Station/Facility: FOR II/ Century Station | Admin. Invest.? ☐ | Hit? ☒ |
|---|---|---|---|

## Incident Information

| | |
|---|---|
| URN: 008-23926-2115-013 | Date: 10/17/08 Time: 2259 Hours |
| City or Station: Lynwood | Nature of Incident: This was an on-duty hit shooting with the suspect deceased. |
| Location: [redacted] Atlantic Avenue | |

**Location Type** (*circle one or more*): Backyard, Beach, **Business** (circled), Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, Street, Other: ______

**Lighting** (*circle only one*): **Darkness** (circled), Daylight, Other, Street Lights

**Weather** (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance:

**Incident Type** (*circle one or more*): Accidental, **Armed Person** (circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

**Initiated by** (*circle only one*): Arrest Warrant, Call, Observation, One Person Unit, **Other** (circled), Search Warrant, Two Person Unit

**Prior Activity** (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

| Total # of Shots Fired by Deputy | Total # of Shots Fired by Suspect | Aero Unit? ☐ | Canine Unit? ☐ |
|---|---|---|---|
| 1 | 0 | | |

## Employee Witnesses

| Employee # | Last Name | First Name | M.I. | ShiftTime (*circle only one*) | ShiftType (*circle only one*) |
|---|---|---|---|---|---|
| [redacted] | Cullen | James | | **EM** (circled) PM Day | **Regular** (circled) Overtime Off Duty |
| | | | | EM PM Day | Regular Overtime Off Duty |
| | | | | EM PM Day | Regular Overtime Off Duty |

## Non-Employee Witnesses

| Last Name | First Name | M.I. | | | |
|---|---|---|---|---|---|
| [redacted] | [redacted] | | | | |
| Street Address: [redacted] | City: [redacted] | Zip Code: [redacted] | Work Ph: [redacted] | Home Ph: [redacted] | |
| [redacted] | [redacted] | [redacted] | | | |
| Street Address: [redacted] | City: [redacted] | Zip Code: [redacted] | Work Ph: [redacted] | Home Ph: [redacted] | |
| [redacted] | [redacted] | [redacted] | | | |
| Street Address: [redacted] | City: [redacted] | Zip Code: [redacted] | Work Ph: [redacted] | Home Ph | |

## Supervisors

| Employee # | Last Name | First Name | M.I. | (*circle one or more*) |
|---|---|---|---|---|
| [redacted] | Figueroa | Yolanda | R | **On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting |
| | | | | On Duty, Present during shooting, Witness to shooting, Involved in shooting |

## Watch Sergeant

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Mitchell | Willette | |

## Watch Commander

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Brackpool | Chris | |

**PSTD Use Only**

SH # ______

# Officer Involved Shooting

URN: 008-23926-2115-013



## Rollout Information

| Arrival Date | Arrival Time | Date Submitted | Date of Recommendation |
|---|---|---|---|
| 10/18/08 | 0105 | | |

| Employee # | Last Name | First Name | M.I |
|---|---|---|---|
| [redacted] | Ault | Alicia | E. |
| [redacted] | Flores | David | |
| [redacted] | Garcia | Ben | L. |

## Shooting / Force Information

### *Method*

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

### *Type of Injury*

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

### *Body Part Injured*

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

### *Brand*

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

### *Caliber*

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

## *FORCE APPLIED* *(one code per block)*

| Used By (E# or S#) | Used Against (E# or S#) | Method (Code) | Brand (Code) | Caliber (Code) | Authorized Weapon? (Y/N) | Authorized Ammunition? (Y/N) | Type of Injury (Code) | Body Part (Code) |
|---|---|---|---|---|---|---|---|---|
| S | E | UC | | | | | NN | |
| S | E | OB | | | | | NN | |
| | | | | | | | | |
| E | S | FH | HK | 45 | Y | Y | GS | CH |



See Front Side

# Officer Involved Shooting
# Involved Employee Information

URN: 008-23926-2115-013



## Involved Employee

**E 1**

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Jove | Julio | C. |

| Sex: | Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.): |
|---|---|---|---|---|
| M | H | DSG | Century Station | 212F |

- ShiftTime (*circle only one*): (EM circled) PM Day
- ShiftType (*circle only one*): (Regular circled) Overtime Off Duty
- Intoxication/Drug Usage? ☐
- Substance Used:
- Hospital Admission? ☐
- Hospital Name:
- Coroner Case? ☐
- Coroner Case #
- Interviewed? ☒
- Hrs of sleep prior to shooting: 8
- Duty Time (hrs): [redacted]
- Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest circled)
- Other Factors:
- Age: [redacted] Height: 508 Weight: 205
- Range Qualification Date: [redacted]
- PPC Qualification Date: [redacted]
- Laser Training Date: [redacted]
- Certified with Weapon Used? [redacted]
- Patrol Certification? [redacted]
- Certification Unit: [redacted]
- Prior Shootings? [redacted]
- Number of Prior Shootings: [redacted]
- Field Training Officer Emp # [redacted] Last Name [redacted] First Name [redacted] M.I. [redacted]
- Field Training Officer Emp # [redacted] Last Name [redacted] First Name [redacted] M.I. [redacted]

**E**

- Employee # / Last Name / First Name / M.I.
- Sex: Race: / Rank / Unit Assignment: / Work Assignment (Unit #, Module, etc.):
- ShiftTime (*circle only one*): EM PM Day
- ShiftType (*circle only one*): Regular Overtime Off Duty
- Intoxication/Drug Usage? ☐
- Substance Used:
- Hospital Admission? ☐
- Hospital Name:
- Coroner Case? ☐
- Coroner Case #
- Interviewed? ☐
- Hrs of sleep prior to shooting:
- Duty Time (hrs):
- Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest
- Other Factors:
- Age: Height: Weight:
- Range Qualification Date:
- PPC Qualification Date:
- Laser Training Date:
- Certified with Weapon Used? ☐
- Patrol Certification? ☐
- Certification Unit:
- Prior Shootings? ☐
- Number of Prior Shootings:
- Field Training Officer Emp # Last Name First Name M.I.
- Field Training Officer Emp # Last Name First Name M.I.

**E**

- Employee # / Last Name / First Name / M.I.
- Sex: Race: / Rank / Unit Assignment: / Work Assignment (Unit #, Module, etc.):
- ShiftTime (*circle only one*): EM PM Day
- ShiftType (*circle only one*): Regular Overtime Off Duty
- Intoxication/Drug Usage? ☐
- Substance Used:
- Hospital Admission? ☐
- Hospital Name:
- Coroner Case? ☐
- Coroner Case #
- Interviewed? ☐
- Hrs of sleep prior to shooting:
- Duty Time (hrs):
- Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest
- Other Factors:
- Age: Height: Weight:
- Range Qualification Date:
- PPC Qualification Date:
- Laser Training Date:
- Certified with Weapon Used? ☐
- Patrol Certification? ☐
- Certification Unit:
- Prior Shootings? ☐
- Number of Prior Shootings:
- Field Training Officer Emp # Last Name First Name M.I.
- Field Training Officer Emp # Last Name First Name M.I.

# Officer Involved Shooting Suspect Information

URN: 008-23926-2115-013



## Suspect Information

S 1

| | | | |
|---|---|---|---|
| Last Name Sanchez | | First Name Abraham | M.I. |
| AKA Last Name | | First Name | M.I. |
| Sex: M Race: H | Street Address: | City | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: 33 D.O.B. 09/12/75 | Height: 507 Weight: 177 | FBI # [redacted] | CII # [redacted] |
| Booking # | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☒ | Coroner Case # 2008-07279 | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☒ | Apprehended? ☒ | Mental Illness? ☐ | Criminal History? [redacted] |
| Vehicle Make | | Model: | Year: |

S

| | | | |
|---|---|---|---|
| Last Name | | First Name | M.I. |
| AKA Last Name | | First Name | M.I. |
| Sex: Race: | Street Address: | City | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI # | CII # |
| Booking # | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | | Model: | Year: |

S

| | | | |
|---|---|---|---|
| Last Name | | First Name | M.I. |
| AKA Last Name | | First Name | M.I. |
| Sex: Race: | Street Address: | City | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI # | CII # |
| Booking # | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | | Model: | Year: |

S

| | | | |
|---|---|---|---|
| Last Name | | First Name | M.I. |
| AKA Last Name | | First Name | M.I. |
| Sex: Race: | Street Address: | City | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI # | CII # |
| Booking # | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | | Model: | Year: |

# SUPPLEMENTAL NON-EMPLOYEE WITNESSES
## Los Angeles County Sheriff's Department



| Last Name | First Name | M.I. | Street Address | Zip Code | Work Ph | Home Ph |
|---|---|---|---|---|---|---|
| [redacted] | [redacted] | | [redacted] | [redacted] | [redacted] | |
| [redacted] | [redacted] | M | [redacted] | [redacted] | [redacted] | |
| | | | | | | |
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# COUNTY OF LOS ANGELES
# SHERIFF'S DEPARTMENT

## INVESTIGATIVE SUMMARY
## SUSPECT DECEASED

| | |
|---|---|
| **INCIDENT:** | ON-DUTY, HIT SHOOTING |
| **IAB FILE NUMBER:** | SH2230378 |
| **URN#:** | 008-23926-2115-013 |
| **DATE / TIME:** | FRIDAY, OCTOBER 17, 2008, 2259 HOURS |
| **LOCATION:** | [redacted] ATLANTIC AVENUE, LYNWOOD |
| **INVOLVED DEPUTY:** | JULIO JOVE #[redacted] |
| **SUSPECT:** | ABRAHAM SANCHEZ MH/33 (DECEASED) |

**Opening Statement**

On Friday, October 17, 2008, Internal Affairs Investigators Sergeant Ben Garcia, Sergeant Dave Flores, Sergeant Eric Strong and Lieutenant Alicia Ault responded to the city of Lynwood regarding an on-duty hit shooting which resulted in the death of Suspect Abraham Sanchez.

**Synopsis**

On Friday, October 17, 2008, Deputies Julio Jove, Unit 212F, and James Cullen, Unit 21T6, were working patrol in the city of Lynwood out of Century Station. They agreed to meet at the 7-11 store on the southeast corner of Atlantic Avenue and Martin Luther King Boulevard in the city of Lynwood. Deputy Jove arrived first and had backed into a parking stall in front of the store. Deputy Cullen arrived within a few seconds and also backed into a parking stall next to Deputy Jove. A male Hispanic in a dark colored compact car drove in head first and parked next to them. The male informed them of a burglary to an insurance business than was in progress. He did not identify the business by name but said it was next to a beauty salon.

Deputy Cullen knew of an insurance business that was next to a beauty salon which was just south of their location on Atlantic Boulevard. They proceeded to drive south on Atlantic Boulevard with Deputy Cullen in the lead. Together, they checked the front of the insurance company and found it to be secure. A dog was barking at the rear of the business, so they went to the alley in the back to investigate further. Protecting the rear was a large barking dog. They concluded that no one could have entered from the back because of the dog.

Deputy Jove left the rear of the building before Deputy Cullen. As he drove westbound on Walnut Avenue, he saw the informant. He contacted the informant who advised him the burglary was occurring one more block south on Atlantic Avenue. Deputy Jove went south on Atlantic while Deputy Cullen had gone back to the 7-11 to try and locate the informant. On the east side of Atlantic Avenue between Cortland Street and Fernwood Avenue, Deputy Jove saw several beauty salons and insurance businesses. His attention was drawn to one of the businesses because the lights were on, while all the other businesses were dark. He had to drive south on Atlantic Avenue to Fernwood Avenue to get around the raised center median on Atlantic Avenue.

Deputy Jove parked his radio car approximately three to four business south of the location. He proceeded north on foot to check the businesses for evidence of burglary. As he walked along the business, he did not find anything out of the ordinary. He was looking through the windows for J & I Auto Registration, when he heard what he believed was someone stepping on broken glass. Deputy Cullen was now driving south on Atlantic Avenue approaching Cortland Street. Deputy Jove advised him on the radio using "direct," that he found the location and to take a position in the rear.

Deputy Cullen drove to the back of the businesses and took a position mid block in the alley. Deputy Jove continued to believe that source of the sound he heard was coming from J & I Auto Registration. He checked the business to north (J.C. Arteaga Insurance Agency, 11614 Atlantic Avenue, Lynwood) and thought it was secure. The front of that business was recessed from the sidewalk and had a glass front. The interior of the business was dark and the windows tinted. Due to these factors, Deputy Jove could not see that the south window to J.C. Arteaga Insurance was broken. Again, he heard the sound of someone stepping on broken glass.

Believing that J.C. Arteaga Insurance Agency was secure, Deputy Jove turned his focus back on J & I Auto Registration. He tried to looked over the fence that separated the two businesses thinking he would find a broken window, but was unable to see over the fence. Deputy Jove turned to take another look around at J.C. Arteaga Insurance Agency when the suspect, who was later identified as Abraham Sanchez, jumped out of a bush (See photo 4) **[Exhibit D]**.. The suspect bumped into Deputy Jove. Deputy Jove took a step backward moving to the south. The suspect to a step back going north. This created a distance of about two to three feet.

Deputy Jove pointed his gun at the suspect and ordered him to stop. He gave this order in both Spanish and English. The suspect continued to move leaning to his left, while lifting his shirt. In the area of the suspect's waist, Deputy Jove saw a bulky object. He repeatedly told the suspect to stop, but continued to reach for the bulky object. Believing he was reaching fora gun, Deputy Jove fired one round from his .45 caliber, "Heckler and Koch" handgun striking the suspect in the torso. The suspect, who was mortally wounded, fell to the ground.

Deputy Cullen, who was still in the rear of the location, heard the gunshot and drove southbound in the alley, east on Fernwood Avenue and north on Atlantic Boulevard. He parked his radio car close to where he saw Deputy Jove standing. On the ground near Deputy Jove, he saw the suspect. The suspect was moaning. In the door of the business, Deputy Cullen saw a second male. Unsure of this males involvement, Deputies Jove and Cullen conducted a pat-down search of him and detained him in a radio car.

Deputy Jove put out radio traffic on his hand-held radio to advise area units of a deputy involved shooting. He also requested paramedics to render medical aid for the suspect. When additional deputy personnel arrived, they cleared the building looking for additional suspects or possible victims. None were found. Recovered from the suspect was a large chunk of concrete (See photo 5) [**Exhibit D]**.

The suspect was treated at the scene by LA County Paramedics and subsequently transported to Saint Francis Medical Center in Lynwood via ambulance. He was pronounced dead by Dr. Stafford at 0021 hours. The cause of death was determined through autopsy to be a single gunshot wound to the chest (see page 36 of the homicide book for further) **[Exhibit A]**.

**DISTRICT ATTORNEY'S LETTER OF OPINION**:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office reviewed the fatal shooting of Abraham Sanchez involving Deputy Julio Jove. In their Letter of Opinion, dated April 27, 2009, they concluded Deputy Jove acted lawfully in self-defense **[Exhibit B].**

**Involved Personnel**

**Deputy Julio Jove #[redacted]**
Century Station, Field Operation Region II

**Work History**
**Date of Employment:** **09/17/2000**
**Date Assigned to Patrol:** [redacted]
**Date Completed Patrol Training:**
**Date Assigned to Century Station:**
**Prior Shooting Incident(s):**
**Prior Founded Force Incident(s):**



**Suspect**

Abraham Sanchez MH/33
DOB: 09/12/1975
Deceased CC# 2008-07279

**Witnesses**

The following civilian witness were interviewed by Homicide Investigators Anderson and Valento. This is a summary of those interviews.

[redacted]

Witness [redacted] stated he [redacted] in the back of the location [redacted]). He arrived at the location between 2230-2240 hours after playing soccer. He was in his room [redacted] for about ten minutes when he heard three loud bangs. He believed someone was pounding on an adjoining wall. The wireless router for his internet was not working so he went to the front of the business where it was located. He saw that the business was ransacked and broken glass on the floor. Witness [redacted] stated he saw deputies out front and went outside. He was subsequently detained in the back seat of a radio car. He saw the suspect lying on the ground, but had never seen him before (for further see pages 39 & 40 of the Homicide book) **[Exhibit A].**

[redacted]

Witness [redacted] stated he stated he was driving northbound on Atlantic Avenue stopped at a red light at Cortland Avenue. He saw a male Hispanic standing on the east side walk near an insurance store. The male appeared nervous and was looking up and down the street. The signal light turned green and he heard a loud crash and the sound

of breaking glass. When he looked back, the male was gone (for further see page 41 of the Homicide book) **[Exhibit A].**

[redacted]

Witness [redacted] stated he was [redacted] the Laundromat (11619 Atlantic Avenue) across the street when he heard a single gunshot. When he looked outside he saw one radio car. A short time later, he saw several radio cars arrive on scene. He saw one person lying on the ground and another being detained at gunpoint. The person being detained at gunpoint was later placed in the backseat of a radio car (for further see page 39 of the Homicide book) **[Exhibit A].**

[redacted]

Witness [redacted] stated he was [redacted] "Lynmart Liquor" (11631 Atlantic Avenue) which was across the street from the location. He heard a single gunshot, but stayed inside [redacted] (for further see page 40 of the Homicide book) **[Exhibit A].**

[redacted]

Witness [redacted] stated he returned home and was in the alley behind his house. He was contacted by deputies. During this contact a male Hispanic quickly rode by on a bicycle. The deputies yelled at the bicyclist to stop but he kept going. Witness [redacted] entered his home and about ten minutes later he heard a gunshot. He did not go outside (for further see pages 41 & 42 of the Homicide book) **[Exhibit A].**

**Deputy Jim Cullen**

On December 14, 2009, at approximately 1016 hours, Internal Affairs Bureau investigators Sergeant Victor Allen and Sergeant Dave Flores interviewed Witness Jove at Internal Affairs Bureau. Representing Witness Deputy Jove in this interview was Derald Brenneman from the law firm of Green and Shinee. The following is a summary of that interview.

Deputy Cullen stated that a male approached him and Deputy Jove at the 7-11 store on the corner of Atlantic Avenue and Martin Luther King Boulevard. The male told them that a building down the street was being broken into. He believed that male told them it was a beauty salon or an insurance company. They drove around the corner where they found an insurance company and a beauty salon. They checked the perimeter of the building and did not find anything out of the ordinary. Deputy Cullen stated he told Deputy Jove that he was going to go back to the 7-11 and try to locate the informant.

Deputy Cullen said that when he returned to the 7-11 the informant was gone. He then drove south on Atlantic Boulevard. Deputy Jove told him over the radio on "direct" that the location was further down the street near Atlantic and Cortland on the east side of the street. Deputy Jove instructed him to take a position in the rear alley. Deputy Cullen said he took a position about mid block in the alley (between Cortland and Fernwood) where he believed was near the location (See photo 1) **[Exhibit C].** After he was in the alley about thirty seconds, he heard what he believed was a gunshot.

Deputy Cullen drove to the front of the location by driving south in the alley, east on Fernwood and north on Atlantic Boulevard. He saw Deputy Jove's car in the street and drove past it. He came to a stop when he saw Deputy Jove. Deputy Jove was standing on the sidewalk and the suspect was laying on the ground. There was a second person standing in the doorway of the location. They later determined this person lived at the location.

Deputy Cullen stated that they utilized "direct" on the radio because of another incident that was occurring in the Willowbrook area that involved a person with a gun. The radio was being used for that incident (See page 6 of his IAB interview transcripts and **[Exhibit G]**).

**Physical Evidence**

All physical evidence was located and collected by Homicide investigators and Scientific Services Bureau personnel. For descriptions of the evidence collected and the locations collected from, see the Homicide Investigation Book **[Exhibit A]** pages 22, 23, 27, & 28.

**Weapon used by Dep Julio Jove**

One (1) round fired from a Department authorized "Heckler and Koch," USP, 45 caliber, semi-automatic handgun.

**Weapon used by Suspect Abraham Sanchez**

6 ½ inches long by 4 inches wide piece of concrete coming to a point at one end.

**IAB Interview of Deputy Julio Jove**

On December 14, 2009, at approximately 1043 hours, Internal Affairs Bureau investigators Sergeant Victor Allen and Sergeant Dave Flores interviewed Witness Jove at Internal Affairs Bureau. Representing Witness Deputy Jove in this interview was Derald Brenneman from the law firm of Green and Shinee. The following is a summary of that interview.

Deputy Jove stated he was standing in front of the 7-11 store on the southeast corner of Martin Luther King Boulevard and Atlantic Avenue with Deputy Cullen. They were approached by a male and female in car. The male told them that someone was breaking into an insurance business which was next to a beauty salon.

They drove in separate cars one block south of their location to the southeast corner of Walnut and Atlantic Avenue where they saw a beauty saloon and an insurance business next to each other. They checked the front of the insurance business and found it to be secure. In the rear of the location, they heard a dog barking. They responded to the rear alley and found a large dog. Because of the dog they concluded that no one entered the location from rear.

Deputy Jove stated he drove away from this location westbound on Walnut Avenue toward Atlantic Avenue. He saw the informant driving eastbound on Walnut toward him. The informant told him the location was one more block south. Deputy Jove drove south on Atlantic Avenue. Deputy Cullen was no longer with him. He found several insurance businesses next to beauty salons on the east side of Atlantic Avenue just south of Cortland Street. Deputy Jove stated he had to drive further south on Atlantic Avenue to Fernwood Street to get around the island the on Atlantic Avenue. He parked his radio car about three to four businesses away from an insurance company (See photo 1) **[Exhibit D]**.

Deputy Jove stated he walked along the business checking them as he went along. His attention was drawn to an insurance business were the lights were on and all the other businesses were dark.

> **IAB Note: This business was identified as J & I Auto Registration, 11618 Atlantic Avenue, Lynwood. Refer to the crime scene sketch on page 67 of Exhibit A.**

He was able to look inside this business and saw nothing out of the ordinary. As he continued to walk northbound, he heard the sound of someone stepping on glass. He checked the next business (J.C. Arteaga Insurance Agency, 11614 Atlantic Avenue, Lynwood) and thought it was secure. Deputy Jove stated this business was recessed from the sidewalk and the windows were tinted. From his vantage point it appeared to be secure. Deputy Cullen was driving southbound on Atlantic Avenue approaching Cortland Street. Deputy Jove told him to take a position in the alley to the rear using a "direct" radio communication on his handheld radio.

Deputy Jove stated he continued to check J & I Auto Registration, but he did not see any evidence of a burglary. He tried to look over the fence that separated J & I Auto Registration and J.C. Arteaga Insurance Agency. He believed that he might find a window along the side of the building, but he could not see over the fence (See photo 3) [**Exhibit D]**. He was going to check the front of J.C. Arteaga Insurance Agency again

when the suspect jumped from the bushes at the south end of J.C. Arteaga Insurance Agency. Deputy Jove stated they bumped into each other. They each took a step back creating a distance of about two to three feet. Deputy Jove pointed his gun at the suspect and told him to stop in both Spanish and English. The suspect leaned to his left and was trying to clear his jacket to get at his waistline. Deputy Jove could see a grey bulky object in the suspect's waistband. He told the suspect not to move, but he kept going for his waist. Deputy Jove stated he kept telling the suspect "no, no, no," but he kept going toward his waist. He believed the suspect was reaching for a gun (see page 19 of the Homicide interview). He fired one round which struck the suspect causing him to fall to the ground.

Deputy Jove stated he advised over the radio of a deputy involved shooting (998) and requested paramedics for the suspect. Deputy Cullen arrived at his location and another male appeared in the doorway. Deputy Jove stated his focus was now on this individual. They detained the male.

**Miscellaneous**

IAB Lieutenant Alicia Ault checked to see that the Watch Commander, Lieutenant Brackpool took reasonable steps to ensure that the involved party and witnesses did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, as well as the involved party and witnesses personnel did not collectively consult with their attorney or representative. In addition, IAB Lieutenant checked to see if the watch commander attempted to have the involved party and witnesses personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.




# LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
## BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
## JUSTICE SYSTEM INTEGRITY DIVISION

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April 27, 2009

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, CA 90040

Re: JSID File #08-0660
LASD URN 008-23926-2115-013

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 17, 2008, fatal shooting of Abraham Diaz by Los Angeles County Sheriff's Department Deputy Julio Jove. We have concluded that Deputy Jove acted lawfully in self-defense.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department (LASD) Homicide Bureau submitted to this office on February 11, 2009. The District Attorney Command Center was notified of the shooting at 11:35 P.M. on October 17, 2008. The District Attorney Response Team, consisting of Deputy District Attorney Daniel W. Baker and District Attorney Senior Investigator [redacted] responded to the scene. The Response Team was given a briefing of the circumstances surrounding the shooting and a "walk through" of the scene. Compelled statements were not considered as part of this analysis.

## FACTUAL ANALYSIS

On October 17, 2008, at about 10:59 p.m., LASD Deputy Jove was responding to a burglary in progress call at a residence located in a commercial district on South Atlantic Boulevard in the City of Lynwood. The front of the residence faced Atlantic Boulevard and served as the storefront business office of an insurance company. Atlantic Boulevard was lit by street lights,

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but the office interior was dark. On either side of the front door there were large plate glass windows. In front of each window was a planter area separated from the sidewalk by a wrought iron fence. Both planters had potted shrubbery in them. Deputy Jove was in a LASD uniform driving a marked LASD patrol car. Jove parked his patrol car three doors south of the location and walked on the sidewalk toward the front of the residence. As Deputy Jove reached the south window he heard the sound of breaking glass. Suddenly, Abraham Diaz jumped out of the dark interior through the shattered plate glass window. Diaz jumped over the planter fence onto the sidewalk, knocking over a bicycle which had been leaning against the fence. Diaz landed about 36 inches in front of Deputy Jove. Deputy Jove drew his gun and ordered Diaz to stop. Diaz did not stop and instead leaned to his left and lifted his coat away from his waistband area. Fearing that Diaz was armed with a handgun, Deputy Jove fired one shot at Diaz, who fell. A narrow piece of concrete was recovered from Diaz's waistband. Diaz was not armed with a gun.

Diaz was treated at the scene and transported to St. Francis Hospital where he died from a single gunshot to his torso.

## CONCLUSION

It is well established California law that a person who is placed "under circumstances sufficient to excite the fears of a reasonable man that another designs to commit a felony or some great bodily injury and to afford grounds for a reasonable belief of imminent danger, may act upon those fears alone and may slay his assailant and be justified by appearances." *People v. Jackson* (1965) 233 Cal.App.2d 639

Deputy Jove was investigating a residential burglary. Without warning Diaz jumped from the dark interior directly into Deputy Jove's path. Instead of complying with Deputy Jove's commands to stop, Diaz continued to move and reach toward his waistband area. Under these circumstances, Deputy Jove's fear that Diaz was about to assault him with a deadly weapon was reasonable.

We conclude that Deputy Jove acted reasonably and lawfully in self-defense when he used deadly force against Diaz. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Christina Buckley for

DANIEL W. BAKER
Deputy District Attorney

c: Deputy Julio Jove #[redacted]